

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)	
ARTESIAN WATER COMPANY, INC., FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO PROVIDE WATER SERVICES)	
PURSUANT TO 26 <i>DEL. C.</i> § 203C (“SUSSEX)	PSC DOCKET NO. 09-CPCN-33
0709”))	
(FILED SEPTEMBER 8, 2008; AMENDED)	
DECEMBER 4, 2009))	

IN THE MATTER OF THE APPLICATION OF)	
ARTESIAN WATER COMPANY, INC., TO)	
ABANDON UNDER 26 <i>DEL. C.</i> § 203A(d))	
WATER SERVICES PROVIDED UNDER A)	PSC DOCKET NO. 19-0453
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY)	
(FILED JULY 17, 2019))	

ORDER NO. 9434

AND NOW, this 6th day of August 2019, the Delaware Public Service Commission (“Commission”) determines and orders the following:

WHEREAS, on December 22, 2009, the Commission approved Order No. 7696, granting Artesian Water Company, Inc. (“Artesian” or the “Company”) a Certificate of Public Convenience and Necessity (“CPCN”) to provide water services for one parcel of land located east of Milton and thirty-one parcels of land distributed in Ellendale, Sussex County, Delaware (the “Proposed Service Area”); and

WHEREAS, the Commission retained jurisdiction in this matter, including the authority to enter such further Orders and conduct such further proceedings as it deemed necessary or proper; and

WHEREAS, on July 17, 2019, Artesian submitted an application (“Application”) requesting authorization to partially abandon or discontinue providing water operations or services

by removing eighteen of the parcels of land from its CPCN, specifically the following Sussex County Tax Map Parcel Numbers (the “Parcels”);

Tax Parcel Nos.:	230-26.00-30.00	230-31.00-40.10	230-31.00-143.00
	230-26.00-42.00	230-31.00-42.00	230-31.00-147.00
	230-26.00-63.00	230-31.00-61.00	230-31.00-147.01
	230-26.00-127.00	230-31.00-69.00	230-31.00-147.02
	230-31.00-40.05	230-31.00-141.00	230-31.00-147.03
	230-31.00-40.06	230-31.00-142.00	230-31.00-160.00

WHEREAS, after the original CPCN was granted, Tax Parcel No. 230-31.00-40.05 was subdivided to create a second parcel, Tax Parcel No. 230-31.00-40.12; and

WHEREAS, Artesian does not lose its CPCN rights and obligations when a property has been subdivided; therefore, Artesian has included Tax Parcel No. 230-31.00-40.12 in its abandonment request; and

WHEREAS, in granting this Application, Artesian will retain a CPCN for the remaining parcels within the existing CPCN under Order 7696 and those parcels are not affected by this Order; and

WHEREAS, 26 *Del. C.* § 203A(d)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any business, operations, or services provided under a CPCN or otherwise, which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

WHEREAS, 26 *Del. C.* § 203A(d)(3) provides that the Commission shall approve any application for abandonment when it finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary and not unduly disruptive to the present or future public convenience and necessity; and

WHEREAS, based on its review, Commission Staff (“Staff”) recommends that the Commission approve the Application on the basis that Artesian has met its burden of proof as set

forth in 26 *Del. C.* § 203A(d)(3). First, the abandonment is reasonable because Artesian currently does not supply water services to the Parcels. Second, Sussex County (the "County") passed Resolution No. R 015 18, establishing the Ellendale Water District ("Water District"), allowing the County to take the necessary steps to provide safe reliable drinking water to residents of the Town of Ellendale (the "Town"); moreover, Artesian and the Town entered into a Water Service Agreement whereby Artesian will sell water to the County which can then provide water service to the Town. Lastly, the abandonment will not be unduly disruptive to the present convenience and necessity because no existing Artesian customers are located within the Parcels to be abandoned. Hence, Staff finds that the abandonment will not be unduly disruptive to the future public convenience and necessity as future customers would not be impeded from obtaining water services from another public utility;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. The Commission hereby approves Artesian's Application.
2. Artesian shall, consistent with our previous practices, provide to the landowners of the Parcels (specifically enumerated above). Artesian shall thereafter provide proof of such written notice to Staff.
3. Except for the specific removal of the Parcels from the CPCN, Artesian shall retain its CPCN as to all other parcels subject to Order No. 7696.
4. Artesian is hereby notified that it will be assessed the costs of this proceeding pursuant to 26 *Del. C.* § 114(b) (1).
5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chairman

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary